

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS

Call to Order: By **CHAIRMAN ROD BITNEY**, on January 15, 2003 at 3:05 P.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Rod Bitney, Chairman (R)
Rep. Gary Matthews, Vice Chairman (D)
Rep. Dee Brown (R)
Rep. Eileen J. Carney (D)
Rep. Tim Dowell (D)
Rep. Daniel Fuchs (R)
Rep. Hal Jacobson (D)
Rep. Jeff Laszloffy (R)
Rep. Scott Mendenhall (R)
Rep. John Parker (D)
Rep. Diane Rice (R)
Rep. Brennan Ryan (D)
Rep. Jim Shockley (R)

Members Excused: Rep. Alan Olson, Vice Chairman (R)

Members Absent: None.

Staff Present: Glenna McClure, Committee Secretary
Mary Vandembosch, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: none
Executive Action: HB168; HB 131; HB 96

(The tape did not record for this meeting)

EXECUTIVE ACTION ON HB 168

Motion: REP. PARKER moved that **HB 168 DO PASS AS AMENDED.**

Note: The amendment was introduced during the hearing on January 8, 2003. The motion combined DO PASS on the bill with the amendment.

Discussion:

Mary Vandebosch informed the committee that the proper procedure is to bring amendments to her, prior to entering them into the record at executive action. She is responsible for making sure that they are in proper order before they are filed with the Office of the Clerk of Court. She also indicated that the spelling of interlocal could not be changed in committee.

The proposed amendments were Exhibit #2 in the January 8, 2003 hearings minutes.

REP. PARKER said that he would reword his motion to waive the portion of the amendment that addressed the spelling.

REP. BROWN concurred with the amendment.

Vote: The motion on the **amendment to HB 168 carried 13-0** by voice vote. (REP. OLSON was not present).

Vote: The motion that **HB 168 do pass as amended carried 14-0** by voice vote with **REP. OLSON** voting yes by proxy.

EXECUTIVE ACTION ON HB 131

Motion: **REP. CARNEY** moved that **HB 131 DO PASS AS AMENDED**.

Note: The amendment was discussed during the hearing on January 8, 2003. The motion combined DO PASS on the bill with the amendment.

Mary Vandebosch reminded the committee that the motion on the table was that of REP. CARNEY. Although REP. DOWELL'S amendments were similar, there was a slight difference. She said that REP. CARNEY'S amendments focus on the fact that the gifts must be nonmonetary. She went on to explain that the bill would change the law to allow a public official to receive a gift, regardless of value, as long as the gift was given as part of a public ceremony. It removes any limitation or reason for the gifts. The amendment narrows the bill to the underlined text in the amendment. She distributed amendments that were proposed by REP. CARNEY.

EXHIBIT (feh08a01)

There was much discussion on what kind of gifts and at what kind of ceremonies the gifts were given.

James Scheier, Assistant to the Attorney General for the Commissioner of Political Practices, told the committee that the Commissioner of Political Practices does not get involved with the issue of public officials receiving gifts unless there is a complaint filed. The Commissioner then looks at the facts and may conduct a hearing, which may result in a fine of \$50 to \$1,000.

Linda Vaughey, Commissioner of Political Practices, said that REP. BIXBY had questioned if she could receive a gift valued at about \$75.00. Commissioner Vaughey advised REP. BIXBY to review the law and use her own discretion. She also suggested that the tribe wait until REP. BIXBY was no longer in office to give the gift.

REP. SHOCKLEY offered to amend the amendment HB 013102.amv (Exhibit 1) to change the underlined text on page one of the amendment to read: "...A nonmonetary gift which is an art or craft to include traditional jewelry, given as a traditional or cultural practice and at a traditional or cultural event or ceremony in recognition of public service is not considered a gift that would tend to improperly influence a reasonable person pursuant to subsection (1)(b)(i)."

REP. LASZLOFFY said that all cultures give gifts. In his opinion there are two choices:

1. Continue the current practice which may result in offending Native Americans, or
2. Accept the gifts -- then deal with it when there is a complaint filed.

He also said that public servants must be above reproach. This bill could be opening a can of worms.

Vote: The motion on **the amendments to HD 131 DO PASS** carried **11-2** with **REPRESENTATIVES FUCHS and RICE** voting no. (REP. OLSON was not present).

Vote: Do Pass motion on **HB 131 failed 7-7** with **REPRESENTATIVES CARNEY, DOWELL, JACOBSON, MATTHEWS, PARKER, RYAN, AND SHOCKLEY** voting aye. **REP. OLSON** voted no by proxy.

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EXECUTIVE ACTION ON HB 96

Motion/Vote: REP. LASZLOFFY moved that HB 96 DO PASS. Motion carried 13-1 with REP. CARNEY voting no and REP. OLSON voting yes by proxy.

ADJOURNMENT

Adjournment: 4:35 P.M.

REP. ROD BITNEY, Chairman

GLENNA MCCLURE, Secretary

RB/GM

EXHIBIT (feh08aad)